IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 183 OF 2006

Jeevan Krishnarao Agwankar
and Ors. ... Petitioners

Versus

The Bombay Municipal Corporation
and Ors. ... Respondents

Mr. F.L. Berarwala for Petitioner.

Ms. T. Puranik for R. No. 1.

Mr. S. Mehta with Mr. Satendra Kumar for R. Nos. 4 to 10.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATED : MARCH 20, 2006

P.C.

. The Respondent No. 1 has granted sanction for development of the property under Regulation 33(3). The name of the Petitioner Nos. 1 and 2 are at Sr. Nos. 47 and 77 as those entitled to be rehabilitated. The society has not been made party to this petition. The documents filed by the builder before us indicates that the B.M.C. has granted permission for development considering over 70% of the tenants had given their consent to join

the cooperative housing society. It appears that the Petitioners herein are not the members of the society.

. On behalf of Respondent Nos. 4 to 10, the learned counsel makes a statement that the Petitioners will be rehabilitated in terms of N.O.C. given by the Respondent No. 1. They will also be provided transit accommodation during the period in which construction has to go on.

. Considering the above, in so far as this petition is concerned, nothing really survives . If the Petitioner is aggrieved by the NOC, given by Respondent No. 1 that will be independent cause of action to the Petitioner and if aggrieved can proceed against the same. With the above observations, Petition stands disposed of.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)